

REMARKS

Claims 24, 25, 28, 29, 31, 32 and 34 have been withdrawn.

Claims 23, 26 and 27 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Contrary to the assertion of the Examiner, the means of Claim 23 is provided with a function, specifically "means for releaseably securing the prosthesis to the distal extremity of the flexible elongate member." With this explanation, it is assumed that the rejection of Claims 23, 26 and 27 under 35 U.S.C. §112, second paragraph, will be withdrawn.

Claims 1-4, 12, 14, 23, 27 and 30 have been rejected under 35 U.S.C. §102(b) as being anticipated by Strecker (U.S. Patent No. 5,653,748). Claims 8-11, 13, 26 and 33 have been rejected under 35 U.S.C. §103 as being unpatentable over Strecker in view of Ravenscroft et al. (U.S. Patent No. 5,480,423). Reconsideration of these claims is respectfully requested.

Strecker discloses a device 10 that includes an elongated catheter 11. In the vicinity of its distal end 12, catheter 11 carries a prosthesis 15 held in a compressed position under radial pretensioning by means of a crocheted material 14, said prosthesis, following elimination of the restraining force provided by the crocheted material, changing to its intended expanded position by expanding automatically. Col. 6, lines 21-27. Prosthesis 15 is surrounded by a crocheted material 14 formed by a continuous thread, with successive meshes wrapped around the prosthesis alternately on one side or the other, in other words alternately on the right or left side. The initial section 17 of the thread material, located in front of the first mesh 16 associated with the distal end 12 of catheter 11, is pulled through a slot 18 in the catheter wall, pinched in said slot, and then extends through the catheter lumen and out through the distal end of the catheter. A strippable loop 22 is pulled through a knot 21 that closes end mesh 21. Col. 6, lines 31-40. The free thread end guided through knots 21 of said end mesh 20 forms a drawstring 24 extending along catheter 11, by means of which drawstring, first loop 22 held on the catheter by pinching and then gradually the mesh formed of crocheted material extending around the prosthesis and holding the latter in its compressed state, can be stripped through said end knot. Col. 6, lines 44-50.

Ravenscroft et al. disclose a catheter that includes three radiopaque markers (tantalum bands). A proximal marker 9 indicates the proximal end of the stent in the compacted state. A central marker 11 indicates the proximal end of the stent in the expanded state. A distal marker 13 indicates the distal end of the stent. Col. 4, lines 62-66.

Amended Claim 1 is patentable over Strecker and Ravenscroft et al., separately or combined, by calling for an apparatus of the type set forth therein that includes a visual marker overlying the prosthesis and being capable of being seen by the operator in the field of view secured to one of the distal extremity of the flexible elongate member and the prosthesis for facilitating placement of the prosthesis in the mammalian body, the visual marker being visually distinct from the means for releaseably securing the prosthesis. In this regard, Strecker does not disclose a visual marker that is visually distinct from the means for releaseably securing the prosthesis as called for in Claim 1. As discussed above, reference numeral 20 of Strecker refers to an "end mesh 20," as noted in Col. 6, lines 44-45 of Strecker, not a visual marker. In fact, as previously stated in the Amendment Under 37 CFR 1.111 filed March 28, 2006, there is no mention of the words "visual" or "marker" in Strecker. Even if end mesh 20 can be construed as a visual marker, it is certainly not visually distinct from the means for releaseably securing as required by Claim 1. In this regard, and as can be seen from FIG. 1 of Strecker, end mesh 20 is merely a nondistinct part of the crocheted material 14.

The language of Applicant's specification cited by the Examiner, namely the sentence beginning on Page 8, line 15 of the specification and the paragraph beginning on Page 6, line 10 of the specification, are limited by the more specific language of Claim 1.

Claims 2-17 depend from Claim 1 and are patentable for the same reasons as Claim 1 and by reason of the additional limitations called for therein.

Amended Claim 23 is patentable for reasons similar to Claim 1 by calling for an apparatus of the type set forth therein that includes a visual marker overlying the prosthesis and being capable of being seen by the operator in the field of view secured to one of the distal extremity of the flexible elongate member and the prosthesis for facilitating placement of the prosthesis in the mammalian body, the visual marker being visually distinct from the repeating pattern of the means for releaseably securing. Contrary to the assertion of the Examiner, end

mesh 20 of Strecker is not visually distinct from the repeating pattern of the means for releaseably securing. Further, the limitation of Claim 23 that the visual marker therein is visually distinct from the repeating pattern of the means for releaseably securing limits the language of Applicant's specification cited by the Examiner, namely the sentence beginning on Page 8, line 15 of the specification.

Claims 24-29 depend from Claim 23 and are patentable for the same reasons as Claim 23 and by reason of the additional limitations called for therein.

Amend Claim 30 is patentable by calling for an apparatus of the type set forth therein having a visual marker that is distinct from the means for releaseably securing to facilitate visualization of the marker. Contrary to the assertion of the Examiner, end mesh 20 of the Strecker device is not distinct, that is separate, from the means for releaseably securing. In contrast, end mesh 20 of the Strecker device is part of the crocheted material 14 thereof.

Claims 31-34 depend from Claim 30 and are patentable for the same reasons as Claim 30 and by reason of the additional limitations called for therein.

In view of the foregoing, it is respectfully submitted that the claims of record are allowable and that the application should be passed to issue. Should the Examiner believe that the application is not in a condition for allowance and that a telephone interview would help further prosecution of this case, the Examiner is requested to contact the undersigned attorney at the phone number below.

Respectfully submitted,

DORSEY & WHITNEY LLP



Edward N. Bachand, Reg. No. 37,085

Customer No. 32,940
555 California Street, Suite 1000
San Francisco, CA 94104-1513
Telephone No.: (650) 857-1717
Facsimile No.: (650) 857-1288

4831-7701-3761\1